REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 38, 45 and 50. Applicant respectfully submits no new matter has been added. Accordingly, claims 38-42 and 44-55 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 38-42 and 44-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohm et al (hereinafter Bohm) (US 6,370,385B1) in view of Ho et al. (hereinafter Ho) (US 6,091,953) and Naqvi et al (hereinafter Naqvi) (US 6,850,763B1). The Applicant respectfully traverses the rejection of these claims.

The Bohm reference is cited for disclosing 1) at least two media gateways (e.g., switch 22) and 2) a media gateway selection node (e.g., switch 22). Switches 21 and 22 in the Bohm reference are disclosed as DTM switches. DTM switches are known in the art and are used for circuit switching. A DTM switch would not be considered a Media Gateway. The accepted definition of a media gateway function is one that "terminates media streams from Switched Circuit Networks, packetizes the data in IP packets and delivers the packets to the IP based packet network" (Newton's Telecom Dictionary 17th Updated and Expanded Edition). The disclosed function of the DTM switches (21-26) is to establish DTM channels between BSCs and MSCs for transmitting data. There is no mention or teaching that the DTM switches terminate the media streams from a switched Circuit network to an IP network.

The Ho reference is cited for disclosing dynamic allocation of a circuit pathway and for a dispatching switch allegedly reading on the Applicant's claimed media gateway (MGW). The Applicant respectfully disagrees that the dispatching switch of the Ho reference reads on the Applicant's Media Gateway. The "dispatching switch" as described in the Ho reference, is a message router with a switch processing core and address table (Col. 10, lines 27-36). As noted above a media gateway is one that "terminates media streams from Switched Circuit Networks, packetizes the data in IP

packets and delivers the packets to the IP based packet network". The purpose of the "dispatching switch" as stated in the Ho reference is to route communications between the BSS and the MSCs (col. 6, lines 7-9). There is no disclosure in the Ho reference that states or teaches that the dispatching switch has the same function as a Media Gateway whose function is known in the art.

The Examiner equates the Proxy Switch (switch 300) of the Naqvi reference to a Media Gateway Controller. Naqvi defines the Proxy switch in the Abstract: "The proxy switch receives signaling messages and either retransmits them, blocks them, converts them, or siphons them to an alternative network." In summary, Naqvi states that the proxy switch is a router of signaling messages. And, as noted above, the definition of a media gateway is one that "terminates media streams from Switched Circuit Networks, packetizes the data in IP packets and delivers the packets to the IP based packet network". The function of the Proxy Switch is different from a Media Gateway.

At the very least, the proxy switch, the dispatching switch and the DTM switch are not equivalent either individually or in combination with the Media Gateway. Nor do any of the prior art references disclose use of a Circuit Identity Code to identify a selected circuit pathway and include that CIC in the MGSWDB. This being the case the Applicant respectfully asserts that amended independent claims 38, 45 and 50 are allowable over the Bohm, Ho and Naqvi references, both individually and in combination. The Applicant respectfully requests that the Examiner withdraw the rejection of these claims and the respective depending claims.

Claims 54-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ho et al. (hereinafter Ho) (US 6,091,953) in view of Naqvi et al (hereinafter Naqvi) (US 6,850,763B1) and Bohm et al (hereinafter Bohm) (US 6,370,385B1). The Applicant respectfully traverses the rejection of these claims.

Claims 54 and 55 are analogous claims and contain similar limitations, so the discussion below applies to both independent claims.

The Examiner has indicated that Ho determines an available circuit pathway between the requesting switch and the target access node through the use of the circuit

pathway that is identified in the MGWSDB by a CIC. The Applicant has reviewed the cited portions of Ho and respectfully disagrees with the Examiner's interpretation. There is no mention of a CIC for identifying a particular circuit pathway and no mention of the Media Gateway Selection Database. Furthermore, reserving a Circuit Identity Code associated with a selected pathway at the media gateway is not mentioned, taught or suggested in the Naqvi, Ho or Bohm references.

As noted above, the Proxy Switch (switch 300) of the Naqvi reference is equated to the media gateway selection node. Naqvi defines the Proxy switch in the Abstract: "The proxy switch receives signaling messages and either retransmits them, blocks them, converts them, or siphons them to an alternative network." In summary, Naqvi states that the proxy switch is a router of signaling messages. And, as noted above, the definition of a media gateway is one that "terminates media streams from Switched Circuit Networks, packetizes the data in IP packets and delivers the packets to the IP based packet network". The function of the Proxy Switch is different from a Media Gateway.

Even in an alternative embodiment, Naqvi teaches that the Proxy Switch is different from a Media Gateway. As disclosed in the description of Figure 11, the MGC instructs the data plane (of the proxy switch, not a Media Gateway) to receive incoming circuit traffic at an engress port and **switch** as circuit traffic out of an egress port. (Col. 18, lines 1-4). Circuit traffic is switched not converted to IP. In line with the abstract definition, the alternate embodiment still switches circuit traffic. Furthermore, if indeed, the Proxy Switch of Naqvi is equivalent to a media gateway, why did Naqvi use the term proxy switch instead of the standard term of a Media Gateway? The Applicant submits that neither the Ho reference nor the Naqvi reference teach the use of a media gateway, the use of a media gateway selection database or the use of a CIC to identify a selected circuit pathway.

Additionally, Ho discloses message routers (1718) and/or dispatching switches that are alleged in the Detailed Action to provide the same function as the media gateway selection node (MGWSN) of the Applicant's invention. Upon review of the cited portions (col. 21, lines 7-18; col. 18, lines 36-41, Figs. 1, 14, 17) of the Ho

reference, the Applicant respectfully submits that the message routers route signaling messages between BSC's and multi-service network (1712) not data. The user traffic is carried by a separate connection (col. 7, lines 62-65).

The Detailed Action compares the plurality of Media Gateways to multiple message routers. Message routers do not have the same function as a Media Gateway so, the comparison is faulty. The alternate comparison by the Examiner of a dispatch switch to the Media Gateway is also faulty since the function of the dispatching switch is different. Also, the embodiment in Figure 17 is restricted to message routers and the dispatching switch is not disclosed as operating in that embodiment, only message routers.

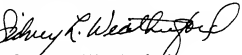
Respectfully, the Applicant asserts that the Ho reference does not disclose the Media Gateway Selection Node as claimed in Applicant's claims 54 and 55. The Applicant respectfully requests withdrawal of the rejection of these claims.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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